

Purpose

This policy and procedure is written to ensure that all career service employees have the right to present their grievances for consideration in an orderly manner in those matters over which the Department has complete or partial jurisdiction.

Policy

The Department will make every effort to ensure that all career service employees are treated with consideration and fairness and that working conditions are the best possible.

The Department will deal fairly and promptly with grievances of employees. For this reason, an Employee Grievance Procedure has been established. The procedure shall be available to each career service employee regardless of membership or non-membership in any employee organization.

Background

This policy and procedure has been written in compliance with the Department of Human Resource Rules, the Utah Administrative Code (R-477-4-4), Utah Code 67-19, and the Career Service Review Board Rules.

Definitions

CSRB:	Career Service Review Board, 1120 State Office Building, Salt Lake City, Utah 84114.
DHRM:	Department of Human Resource Management, 2120 State Office Building, Salt Lake City, Utah 84114.
Employee:	For this policy and procedure employee shall mean career service employee.
Grievance:	A career service employee's claim or charge of the existence of injustice or oppression, including dismissal from employment resulting from an act, occurrence, omission, condition, discriminatory practice or unfair employment practice.
Immediate Leader:	The leader who exercises direct authority over an employee and who appraises the employee's performance.
Working Days:	All days except Saturdays, Sundays, and recognized state holidays.

Procedures

Grievance Procedure

05C-42.1

It is expected that employees and leaders will make a sincere effort to reconcile their differences at the lowest possible organizational level.

Employees, witnesses and their representatives will be free from reprisal for using the grievance procedure. Evidence of such reprisal may result in disciplinary action.

An employee selected as a witness at a grievance hearing is allowed to attend and testify at such hearing provided, reasonable advance notice is given to such witness's immediate leader.

If the aggrieved employee fails to process a grievance from one step to the next within the time specified, the employee will have waived the right to process the grievance further. The grievance will be deemed settled on the basis of the last step.

Please contact the Career Service Review Board (CSRB) for additional information concerning the grievance process.

STEP 1

Responsibility: Aggrieved Employee

Actions

1. Attempts to resolve a grievance through discussions with his/her immediate leader. An employee who believes he/she has a grievance has the responsibility to discuss it with the immediate leader without undue delay. In any event, the grievance must be submitted within twenty (20) working days after the event giving rise to the grievance or within twenty (20) working days after the aggrieved employee has knowledge of the event giving rise to the grievance.

No person shall have the right to submit a grievance more than one year after the event giving rise to the grievance or if the aggrieved person is no longer a State career service employee.

2. Each employee shall have the right to assistance by a representative of his/her own choosing in preparing and presenting his/her grievance. The representative may assist at any stage in the proceedings.
3. An employee will be granted a reasonable amount of time during work hours to confer with such representative and prepare the grievance. However, while a grievance is being considered, the employee concerned is expected to perform his/her assigned duties and responsibilities to the best of his/her ability and avoid disturbing

other employees about the grievance.

Responsibility: Immediate Leader

4. Within five (5) working days after the employee discusses the grievance with his/her leader, the employee's leader may issue a verbal decision on the grievance.

STEP 2

Responsibility: Aggrieved Employee

5. If the grievance in Step One remains unanswered for five (5) working days after submission, or if the aggrieved employee is dissatisfied with the leader's verbal decision, the employee may resubmit the grievance in writing to his/her immediate leader within five working days after the expiration of the period for response or receipt of the decision, whichever is first. It is recommended that the aggrieved employee use the CSRB grievance form. The grievance form may be obtained by contacting the human resources representative in the employee's Region/Group, the Department's Human Resources Office, or the CSRB.
6. Immediately after submitting the written grievance to his/her leader, the employee shall notify the Administrator of the Career Service Review Board that he/she has submitted the written grievance.

Responsibility: Immediate Leader

7. Within five working days after the employee's written grievance is submitted, the employee's leader shall issue a written response to the grievance stating his/her decision and the reasons for the decision.

STEP 3

Responsibility: Aggrieved Employee

8. If the written grievance remains unanswered for five (5) working days after submission, or if the aggrieved employee is dissatisfied with the decision reached. The employee may submit the grievance in writing to his/her senior leader who reports directly to the Region/Group Leader within ten (10) working days after the expiration of the period for decision or receipt of the decision, whichever is first.

Responsibility: The senior leader of the employee's area who reports directly to the Region/Group Leader.

9. Within five working days after the employee's written grievance is submitted, the senior leader shall issue a written response to the grievance stating his/her decision and the reasons for the decision.

STEP 4

Responsibility: Aggrieved Employee

10. If the written grievance submitted in Step Three remains unanswered for five (5) working days after submission, or if the aggrieved employee is dissatisfied with the decision reached. The employee may submit an appeal in writing to the Region/Group Leader who is acting on behalf of the Executive Director within ten (10) working days after the expiration of the period for decision or receipt of the decision, whichever is first.

Responsibility: Region/Group Leaders acting on behalf of the Executive Director

11. Confers with the Human Resource Director or designee concerning the grievance. If necessary, makes arrangements and holds hearing.
12. Reviews all information obtained, consults with the Department's Human Resources Office and prepares recommendation concerning the grievance and a letter to the employee for the Executive Director's signature.

Responsibility: Executive Director

13. Reviews the information concerning the grievance, if in agreement, signs the letter. Sends formal letter notifying employee of the findings and the action to be taken.
14. The decision of the Executive Director is final in all matters except those matters that the CSRB may review under Step 5.

STEP 5 & 6

Responsibility: Aggrieved employee

15. May appeal the following matters to the Career Service Review Board : (Steps 5 and 6):
 - Promotions
 - Dismissals
 - Suspensions
 - Written reprimands
 - Wages
 - Salary
 - Violations of personnel rules
 - Administration of benefits
 - Reduction in force
 - Denial of abandonment of position

No other matters may be advanced to Steps 5 and 6.

16. If the written grievance submitted in Step Four meets the subject matter requirements of #15 and if the grievance remains unanswered for ten (10) working days after submission, or if the aggrieved employee is dissatisfied with the decision(s) reached, the written grievance may be submitted to the Administrator of the Career Service Review Board within ten (10) working days after the expiration of the period for decision or receipt of the decision, whichever is first, in order that a hearing can be arranged. If the grievance is concerning disciplinary action, the employee has twenty (20) working days after the expiration of the period for decision or receipt of the decision, whichever is first, in order that a hearing can be arranged.

Responsibility: Administrator, Career Service Review Board

17. Will coordinate the Step 5 evidential hearing and if requested Step 6 the appellate review.
18. At a Step 5 hearing, both the aggrieved employee and management are present to examine and cross-examine witnesses and to submit documentary evidence.
19. A certified court reporter makes an official record of the proceedings.
20. Witnesses may be compelled to attend by subpoena, which is issued by the Administrator.
21. The hearing is confined to the issue(s) presented in the original grievance statement.
22. If a party does not appear at the hearing, the Hearing Officer's decision will be based on a review of the record and the presentation of the party which is present.
23. The testimony of witnesses is under oath.
24. A party files an appeal to Step 6 by completing a Notice of Intent To File An Appeal With The Career Service Review Board. (Available in the Board Office.) Please refer to the CSRB guidelines for further appeal rights.

Classification Grievance

UDOT 05C-42.2

Responsibility: Employee

Actions

1. If the initial classification review of a position by UDOT Human Resources staff results in a recommendation of no change in classification, the employee should prepare a letter for the Department of Human Resource Management (DHRM) outlining reasons for an additional review. If DHRM allows the second review and agrees with the original evaluation, the employee will probably not be able to enter the grievance process because there has been no change in the classification of the position.
2. If the DHRM review does result in a classification change and the employee does not agree with the results, they must complete a "Position Classification Grievance Form" which can be obtained from the UDOT Human Resources Office or from DHRM. This form must be submitted to the Executive Director of the Department of Human Resource Management within ten (10) working days of receiving the notification of the classification decision.

Responsibility: Utah Department of Human Resource Management (DHRM)

2. Determines if grievance falls within the statute to review as a classification issue detailed in UCA-67-19-31. Salary range determinations are not grievable.

Responsibility: Director, DHRM

3. Selects a panel of three or more impartial Human Resource Analysts trained in state classification procedures to investigate the appeal. The classification panel may sustain or modify the original decision or make a new decision. The panel will make a report to the Director of DHRM who will notify the grievant. Either party may appeal the panel's decision to the hearing officer from the American Arbitration Association. The decision is final.